

Winnebago County Planning and Zoning Department

NOTICE OF PUBLIC HEARING BOARD OF ADJUSTMENT 2/26/2019

TO WHOM IT MAY CONCERN:

The applicant(s) listed below has requested a variance which is regulated by one or more of the following ordinances: Chapter 23, the Town/County Zoning Code, Chapter 26, the Floodplain Zoning Code, and Chapter 27, the Shoreland Zoning Code. You are receiving this notice because this application or petition for action: 1. affects area in the immediate vicinity of property which you own; 2. requires your agency to be notified; 3. requires your Town to be notified; or 4. requires you, as the applicant, to be notified.

The Winnebago County Board of Adjustment will be holding a public hearing on 2/26/2019 at 5:30 p.m. in Conference Room 120 of the County Administration Building located at 112 Otter Ave, Oshkosh, WI.

All interested persons wishing to be heard at the public hearing are invited to be present. For further detailed information concerning this notice, contact the Town Clerk or the Winnebago County Zoning Office, where the application is available for viewing.

INFORMATION ON VARIANCE REQUEST

Applicant:

WRUCK, STEVE Q

Agent:

JOHNSON, EBEN

File Number:

2019-VA-4710

Location of Premises:

5747 MAIN ST
BUTTE DES MORTS, WI 54927

Tax Parcel No.:

030-1563

Legal Description:

Being a part of Assessor's Plat No. 2 Town of Winneconne, Lot 6, located in Government Lot 2, Section 24, Township 19 North, Range 15 East, Town of Winneconne, Winnebago County, Wisconsin.

Description of Proposed Project:

Applicant is requesting a 7' foot setback from the road right of way of Main Street for a stairway and an 11' setback from the road right of way of Main Street for a 16'X24' deck.

DESCRIPTION:	CODE REFERENCE:	REQUIRED:	PROPOSED:
A 30-ft street yard setback is required for all buildings in a Suburban residential district.	23.8 Exhibit 8-2 (R-2)	30'	7'

INITIAL STAFF REPORT

Sanitation:

Existing System
Municipal System

Overlays:

Shoreland

Current or Proposed Zoning:

B-2 Community Business

Code Reference:

23.8 Exhibit 8-2 (R-2)

Description of Proposed Use:

Applicant is requesting a 7' foot setback from the road right of way of Main Street for a stairway and an 11' setback from the road right of way of Main Street for a 16'X24' deck.

Surrounding Zoning:

North: B-2

South: R-1

East: B-2

West: R-2

THE FOLLOWING INFORMATION HAS BEEN PROVIDED BY THE OWNER / APPLICANT

Describe your project, include the proposed dimensions and setbacks:

The project will modify the existing 6 unit building into a 4 unit building. Unit 1 (see attached) will become a single unit with approximately 660 sq ft of living space. The entirety of the upper floor (unit 4) will be combined into a single "owners" unit with approximately 1100 sq ft of living space. Unit #4 will have an attached deck and a newly modified staircase. I am requesting a 7' setback from the modified stairs and 11' setback from the new deck to the ROW. The deck will be 16' x 24' and will allow for a water view of lake Butte des Mort (see attached for setback variances needed). The existing staircase will be modified to allow egress from the south side of the building. (see attached)

Describe how compliance with the requirement in question unreasonably prevents or restricts development of a permitted use on the property:

Almost all of the building currently sits within the setbacks with no opportunity for setback averaging. The variances requested for the deck and staircase servicing the upper story will allow the building to become viable as a 4 unit residential building in compliance the the long term zoning plan.

Describe the unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question:

The lot is not improvable with the current setback requirements as it is only 60' wide and has a lot size of 7560 sq ft. The current B-2 zoning requires a minimum lot size of 15,000 sq ft.

Describe how the granting of the requested variance will not harm the public interest or have adverse affects on surrounding properties:

The pervious surface area of the property will increase by replacing blacktop with ground cover. The proposed 4 unit building will comply with the future planned use of this "Residential" neighborhood. The building will have an improved and attractive appearance from the street and a new parking area configuration that is safer and much less unpleasant than currently exists. This request if approved will allow the application "agent" to purchase and renovate the property. The renovation will decrease living unit density from 6 units to 4 units.

SECTION REFERENCE AND BASIS OF DECISION

Town/County Zoning Code

23.7-234 Basis of decision

When making its decision, the Board of Adjustment shall consider each of the following standards:

- (1) The requirement in question would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with such requirement unnecessarily burdensome and such circumstances were not self-created.
- (2) The subject property has unique physical characteristics or limitations that prevent the property from being developed in compliance with the requirement in question.
- (3) The granting of the variance will not be contrary to or harm the public interest given the general purposes of the zoning regulations and the specific purposes of the requirement in question.

The board shall grant a variance only if the board can make an affirmative finding for all of the criteria listed in this section.

Floodplain Zoning Code

26.6-7 Variances

(a) **Review criteria.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to adoption of the floodplain chapter and unique property conditions, not common to adjacent lots or premises—in such case the chapter or map must be amended—; (3) the variance is not contrary to the public interest; and (4) the variance is consistent with the purpose of this chapter in s. 26.1-5.

(b) **Additional criteria.** In addition to the criteria in subsection (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

- (1) The variance shall not cause any increase in the regional flood elevation;
- (2) Variances can only be granted for lots that are less than 0.5 acres and are contiguous to existing structures constructed below the regional flood elevation;
- (3) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the chapter.

(c) **Limitations.** A variance shall not (1) grant, extend, or increase any use prohibited in the zoning district; (2) be granted for a hardship based solely on an economic gain or loss; (3) be granted for a hardship which is self-created; (4) damage the rights or property values of other persons in the area; (5) allow actions without the amendments to this chapter or map(s) required in s. 26.6-4; or (6) allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

Shoreland Zoning Code

27.6 -8 Variances

(a) **Generally.** The Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that (1) literal enforcement of this chapter will cause unnecessary hardship; (2) the hardship is due to unique property conditions, not common to adjacent lots or premises; (3) the variance is not contrary to the public interest; and (4) the variance is consistent with the purpose of this chapter.

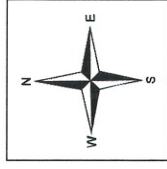


Application #19-VA-4710

Date of Hearing:
February 26, 2019

Owner(s):
Wruck, Steven Q.

Subject Parcel(s):
0301563



Winnebago County
WINGS Project

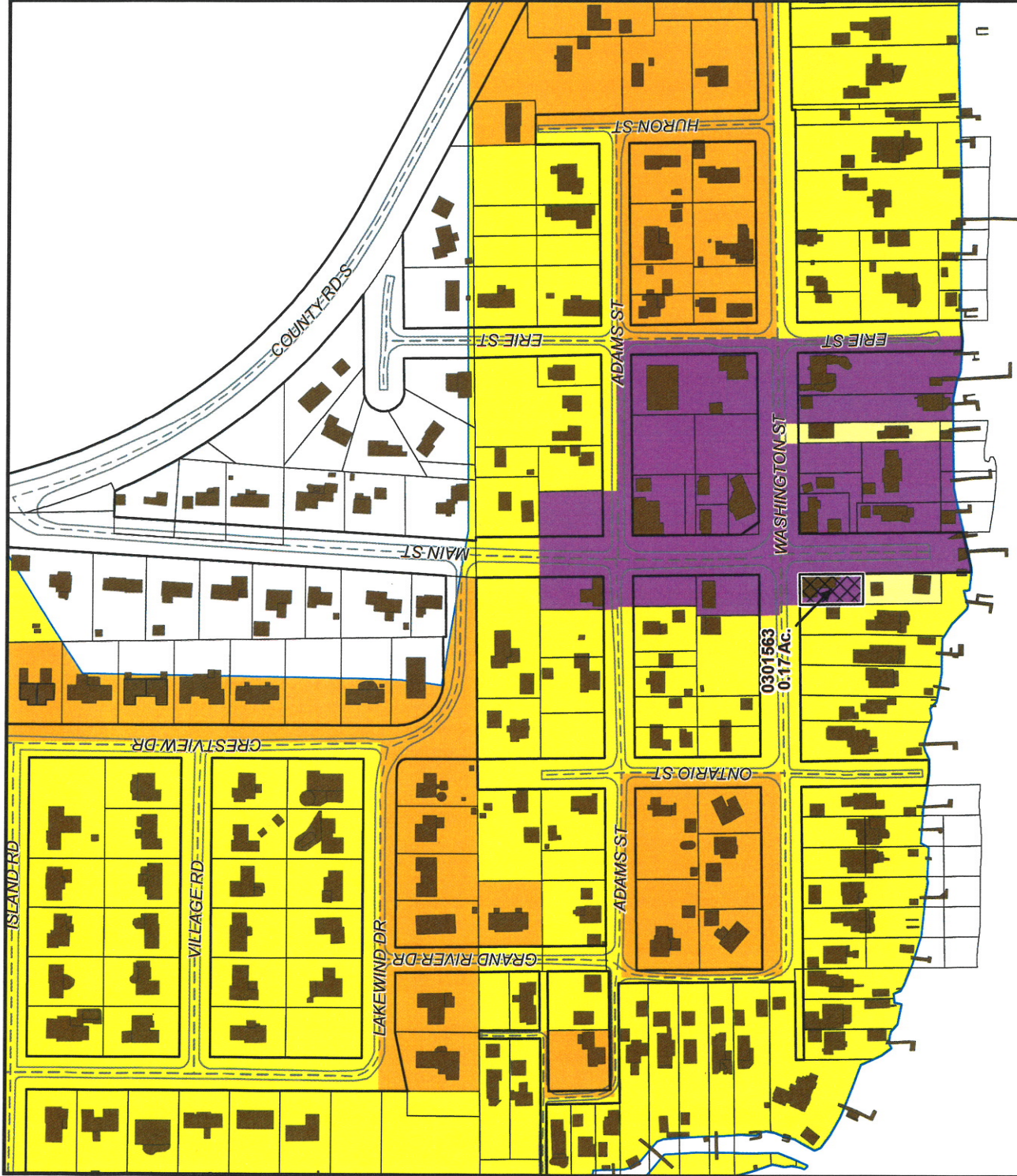
Scale
1 inch : 300 feet

County Zoning Districts

R-1	PDD	B-1
R-2	A-1	B-2
R-3	A-2	B-3
R-4	I-1	M-1
R-8	I-2	Town Zoning

City of Oshkosh Extraterritorial
Zoning Jurisdiction

Incorporated Area



*Lake Butte
des Morts*

O = SITE

O = SITE

O = SITE

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O = SITE



O = SITE



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